

**CITY UTILITIES COMMITTEE**

**MINUTES**

**MONDAY, NOVEMBER 10, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Monday, November 10, 2008 at 12:28 p.m.**, in Committee Room #2. The following members were present:

**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Clair Muller**  
**The Honorable Ivory L. Young, Jr.**

The following members were absent:

**The Honorable Carla Smith, Chair**  
**The Honorable Howard Shook**

Others present at the meeting were: M. Theresa Stewart, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioner Sheila Pierce Department of Watershed Management; Madelyn Grant; Department of Public Works; members of the public, press and Council Staff.

Vice-Chair Mitchell called the meeting to order at 12:28 p.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - ADOPTED AS AMENDED TO ADD ONE ORDINANCE FOR FIRST READING**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**

**CONSENT**

- D. ORDINANCES FOR FIRST READING**

08-O-2159 ( 1) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2004 Water and Wastewater Bond Fund) in the amount of \$27,700,000.00 to transfer funds from RM Clayton - Compliance Upgrades as a completed, realigned, postponed or discontinued project to the Capital Projects Reserve for Appropriations; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-2160 ( 2) An Ordinance by City Utilities Committee authorizing the Mayor or her designee, to accept donation or purchase of permanent easements and the necessary rights-of-way from various property owners to allow for the completion of construction of the North Highland Streetscape Project; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

E. COMMUNICATIONS

- 08-C-2157 ( 1) A Communication by Councilmember Felicia A. Moore re-appointing Ms. Tanya C. Mitchell to the Keep Atlanta Beautiful Board. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

**(Councilmember Young made a motion to forward to Committee on Council with no recommendation.)**

FORWARDED TO COMMITTEE ON COUNCIL WITH NO RECOMMENDATION

- 08-C-2254 ( 2) A Communication by Councilmembers Felicia A. Moore District 10; Jim Maddox, District 11; Joyce Sheperd, District12 and H. Lamar Will, Post 3 at-Large re-appointing Ms. Gloria Martin to serve as a member of the Supplemental Environmental Protection Advisory Committee. This re-appointment is for a term of two (2) year, scheduled to begin on the date of Council confirmation.

**(Councilmember Muller made a motion to forward to Committee on Council with no recommendation.)**

FORWARDED TO COMMITTEE ON COUNCIL WITH NO RECOMMENDATION

**F. ORDINANCE FOR SECOND READING**

- 08-O-2258 ( 1) An Ordinance by Councilmember Anne Fauver granting to Piedmont Driving Club easements across real property owned by the City of Atlanta in Fulton County, to provide for Sanitary and Storm Sewer Service and for life safety sidewalk access at Piedmont Park, and for right-of-entry agreement allowing Piedmont Driving Club access across City property for retaining wall maintenance; authorizing the Mayor or her designee to execute appropriate instruments to evidence the granting of such easements; and for other purposes.  
**(Councilmember Muller made a motion to forward to with no recommendation.)**

**FORWARDED WITH NO RECOMMENDATION**

**G. RESOLUTIONS**

- 08-R-2161 ( 1) A Resolution by City Utilities Committee to correct Resolution Number 08-R-1778 adopted by the City Council on October 6, 2008 and approved by the Mayor on October 14, 2008 by deleting incorrect Department Organization Number and Description and inserting in lieu thereof the correct Department Organization Number and Description; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

- 08-R-2162 ( 2) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTEE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes.  
**(Councilmember Mitchell made a motion to hold at the request of the Department of Public Works.)**

**HELD**

RESOLUTIONS (CONT'D)

- 08-R-2163 ( 3)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into a Lease Agreement with LAZ Parking Limited, LLC, on behalf of the Department of Watershed Management; for the lease of real property at 135 Forsyth Street, SW; providing the terms of such agreements, directing the City Attorney to prepare and approve as to form all necessary documents; and for other purposes.  
**(Councilmember Mitchell made a motion to amend and hold at the request of the Department of Public Works.)**

AMENDED AND HELD

**H.     PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1)     An Ordinance by Councilmember Clair Muller as substituted by City Utilities Committee to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the ~~Public Notice~~ Requirements; and for other purposes.  
**(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**
- 07-R-1214 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-1521 ( 3) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**
- 07-O-2505 ( 4) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**
- 07-O-2604 ( 5) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**
- 07-O-2605 ( 6) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 ( 7) An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1000 ( 8) An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**
- 08-O-1213 ( 9) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1215 (10) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1217 (11) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (12) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**
- 08-O-1922 (14) An Ordinance by City Utilities Committee authorizing the Mayor to enter into an Agreement to allow Vulcan Materials Company, LP to access the property known as the Bellwood Quarry to fulfill its reclamation obligations to the State of Georgia and the City of Atlanta; and for other purposes. **(Held 10/28/08 at the request of the department.)**
- 08-O-2139 (15) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**

**I. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.
2. Councilmember Shook requested the Department of Watershed Management to get the projected cost on CSO Projects.
3. Councilmember Shook requested the Department of Law to research the legal process for informing the EPA that City of Atlanta's CSO Consent Decree Projects are completed.

**J. ITEM NOT ON THE AGENDA**

**ORDINANCE FOR FIRST READING**

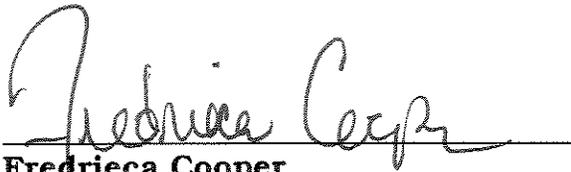
- 08-O-2268 ( 1) An Ordinance by City Utilities Committee to amend  
\*\*\* Ordinance 07-O-1330 to extend the date by which the abandonment applicant shall have to resolve certain issues regarding a quiet title action; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

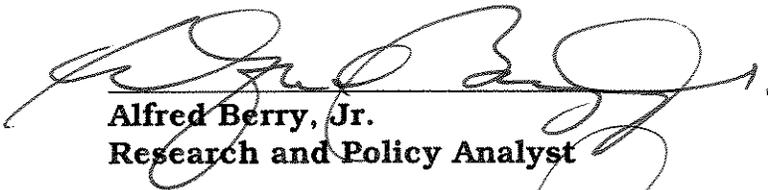
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**There being no further business to come before the Committee, the meeting was adjourned at 12:51 p.m.**

**Respectfully Submitted:**



**Fredrica Cooper  
Legislative Assistant**



**Alfred Berry, Jr.  
Research and Policy Analyst**



**The Honorable Ceasar Mitchell, Vice-Chair  
City Utilities Committee**